

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

CHARLES C. HUCKS, JR. and CHARLES C  
HUCKS, SR.,

Plaintiffs, § § A. No. 08-136

v.

OFFICER MICHAEL JOSEPH CARNAVALLE, § § Jury Trial Demanded  
OFFICER BYRON FITZWATER, and OFFICER §  
VINCENT A. ZULLO, and NEW CASTLE §  
COUNTY, §

WAIVER OF SERVICE OF SUMMONS

To: Victor F. Battaglia, Esquire  
Biggs and Battaglia  
921 N. Orange Street  
P.O. Box 1489  
Wilmington, DE 19899-1489

I, Officer Vincent A. Zullo, acknowledge receipt of your request that I waive service of a summons in the action of *Charles Hucks vs. Carnavale et al.*, which is case number 08-136 in the United States District Court for the District of Delaware.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I

am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after

March 10, 2008

3/26/08

Date

By:

Defendant

Printed/Typed Name:

Myan Sanfrancesco

As Attorney  
(Title)

of New Castle County / officer  
Corporate Defendant  
Gat.

Vincent

2010

#### **Duty to Avoid Unnecessary Costs of Service of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

CHARLES C. HUCKS, JR. and CHARLES C  
HUCKS, SR.,

Plaintiffs,

§

A. No. 08-136

v.

OFFICER MICHAEL JOSEPH CARNAVALLE,  
OFFICER BYRON FITZWATER, and OFFICER  
VINCENT A. ZULLO, and NEW CASTLE  
COUNTY,

§  
§  
§  
§

Jury Trial Demanded

WAIVER OF SERVICE OF SUMMONS

To: Victor F. Battaglia, Esquire  
Biggs and Battaglia  
921 N. Orange Street  
P.O. Box 1489

Wilmington, DE 19899-1489

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March <sup>10</sup>  
7, 2008

3/26/08

Date

By:

Defendant

Printed/Typed Name:

Megan Safrancesco  
As Attorney of New Castle County  
(Title) Corporate Defendant  
Govt.

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A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

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§ Jury Trial Demanded

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Biggs and Battaglia  
921 N. Orange Street  
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Wilmington, DE 19899-1489

I, Officer Michael Joseph Carnavale, acknowledge receipt of your request that I waive service of a summons in the action of *Charles Hucks vs. Carnavale et al.*, which is case number 08-136 in the United States District Court for the District of Delaware.

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March 10, 2008

3/26/08

Date

By:

Defendant

Printed/Typed Name:

Megan Sanfrancisco

As Attorney  
(Title)

of New Castle County, Office  
Govt. Corporate Defendant

Joseph  
Cornwall

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Wilmington, DE 19899-1489

I, Officer Byron Fitzwater, acknowledge receipt of your request that I waive service of a summons in the action of *Charles Hucks vs. Carnavale et al.*, which is case number 08-136 in the United States District Court for the District of Delaware.

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 March <sup>(0)</sup>  
 7, 2008

3/26/08

Date

By:

Defendant

Printed/Typed Name: Megan Safrancesco

As Attorney of New Castle County/  
 (Title) Corporate Defendant  
Govt. Officer  
Byron  
Thiwater

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